

**REMARKS****OVERVIEW**

Claims 1-4, 6-11, and 23-31 are pending in this application. Claims 23-31 are new.

Claims 1, 3, 4 and 10 have been amended. The present response is an earnest effort to place the application in proper form for immediate allowance. Reconsideration is respectfully requested.

**ISSUES UNDER 35 U.S.C. § 102**

The Examiner has previously rejected claims 12 and 16 under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 5,893,075 to Plainfield. The Applicant has cancelled claims 12-22, thereby mooted these rejections.

**ISSUES UNDER 35 U.S.C. § 103**

The Examiner has rejected claims 1-6, 9, 18, 19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Matyas in view of Cadotte (Office Action, page 2, numbered paragraph 4).

U. S. Patent No. 6,102,287 to Matyas discloses an electronic payment system where a buyer purchases a product by sending an electronic payment order to a seller and an evaluator collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request (Abstract). This allows potential buyers to review survey results and thereby make a more informed decision about buying a product. Matyas is particularly directed towards the online buying of content or services and on line evaluation thereof (Col. 2, line 34-Col. 3, line 63).

U. S. Patent No. 4,345,315 to Cadotte discloses a customer satisfaction terminal (title). The terminal includes a keyboard and displays inquiries with multiple choice questions for collecting opinion data from customers (Abstract). The device anonymously collects data of customer satisfaction (Col. 2, lines 50-59).

Regarding claims 18, 19 and 22, these claims have been cancelled thereby mooted any rejections. In addition, claim 1 has been amended, and the Examiner should now find claims 1-6 and 9 allowable.

Matyas is non-analogous art as Matyas is not directed towards "evaluating customer service performance of a specific employee" as required by claim 1. Therefore, it is improper to rely upon the Matyas reference and these rejections should be withdrawn on that basis.

Further, claim 1 has been amended to require that the question is presented "at the point of transaction and the time of transaction." This further distinguishes claim 1 from that which is disclosed in Matyas. In Matyas, buyers are asked questions to evaluate a product after they have bought it (Abstract). In Matyas, "the buyer later provides survey information to the evaluator" (Col. 3, lines 29-30). As Matyas teaches presenting questions and obtaining responses later after the purchase, Matyas simply does not disclose the limitations of "at the point of transaction" or "at the time of transaction." In addition, as the Examiner has already determined, Matyas does not teach evaluating customer service performance (Office Action, page 2, numbered paragraph 4).

Further, Cadotte does not disclose the limitations of "at the point of transaction" and "at the time of transaction." Therefore, no combination of Matyas and Cadotte can teach each and every limitation of claim 1. Therefore, the Examiner should now find claim 1 allowable. As claims 2-4 and 6-11 depend from claim 1, the Examiner should now also find these claims allowable as well.

#### NEW CLAIMS

The Applicant has added new claims 23-31. The Applicant submits that these claims add no new matter and the Examiner should also find these claims allowable.

New claim 23 is directed towards a method of evaluating customer service. New claim 23 is similar to amended claim 1, however, does not require the step of "recording" and requires that the step of "evaluating" be "evaluating the response at the point of transaction and at the time of transaction." Therefore, the Applicant submits that the Examiner should now find claim 23 allowable on the same basis as amended claim 1.

Claim 23 has a further basis for allowability. The Examiner previously relied upon Cadotte in rejecting previous claim 1. In claim 23, the step of "presenting a questions" and the step of "obtaining a response" is performed "using an electronic payment device." The customer satisfaction terminal of Cadotte is simply not "an electronic payment device." Further, as the customer satisfaction terminal is not an electronic payment device, Cadotte cannot disclose the step of "presenting a question to a customer at the point of transaction and the time of transaction about the employee's performance." Since no combination of Matyas and Cadotte can teach each and every limitation of claim 23, the Examiner should find claim 23 allowable.

Claims 24-30 depends from claim 23, therefore, the Applicant submits that these claims should also be allowable. New claim 24 adds the step of "communicating an alert signal" that was present in cancelled claim 10. Claim 25 adds the step of "offering the customer a reward", that subject matter was present in claim 11. Similarly, claim 26 contains subject matter present in claim 6. The subject matter of claim 27 is supported by page 6 of the Specification, first full paragraph. The subject matter of claim 28 is disclosed in the Specification, page 8, second full paragraph. The step of storing claim 29 is disclosed at page 7 of the Specification, first full paragraph. The step of tying the employee's compensation to the response of claim 30 is disclosed in the Specification at page 11, second full paragraph. The Applicant submits that the Examiner should now find all of these new claims allowable as well.

New claim 31 is an independent claim for "a system for collecting customer feedback of an employee's performance at a point of transaction and at a time of transaction." The system requires that an "electronic payment device" be used to present a question and to obtain a response "at the time of transaction and at the point of transaction." As previously explained, the prior art does not disclose these limitations, and the Examiner should now find claim 31 allowable as well.

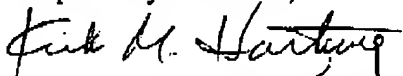
#### SUMMARY

Based upon the foregoing, the Applicant respectfully submits that all pending claims are in proper condition for allowance at this time as they are patentably distinguishable over the prior art. According, reconsideration of the application and immediate passage to issuance are respectfully submitted.

Enclosed is a check for \$460.00 to cover a three-month extension of time. No other fees or extensions of time are believed to be due in connection with this amendment. However, in the event that additional fees are required, any deficiencies should be charged to Deposit Account No. 26-0084.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



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**AMENDMENT — VERSION WITH MARKINGS  
TO SHOW CHANGES MADE**

**In the Claims**

Kindly amend claims 1, 3, 4 and 10 as follows:

**1. (Amended)**

A method of evaluating customer service performance of a specific employee at a point of transaction and at a time of transaction, comprising:  
presenting a question to a customer at the point of transaction and the time of transaction about  
the employee's performance using an electronic payment device;  
obtaining a response to the question from the customer at the point of transaction using the  
electronic payment device;  
recording the customer's response;  
evaluating the response.

**3. (Amended)**

The method of evaluating customer service performance according to claim 1 wherein the question is presented to the customer on the display of an electronic payment device.

**4. (Amended)**

The method of evaluating customer service performance according to claim 1 wherein the question is presented on a monitor of the electronic payment device and the response is entered on a keyboard of the electronic payment device.

**10. (Amended)**

The method of evaluating customer service performance according to claim 1, further comprising:  
communicating an alert signal when a the customer service response falls below a threshold.